IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

CUBIST PHARMACEUTICALS LLC, Plaintiff, v. MYLAN N.V., MYLAN PHARMACEUTICALS INC., MYLAN INC., MYLAN LABORATORIES LIMITED, Defendant.	C.A. No. 1:20-cv-00052-IMK

CONSENT JUDGMENT

Cubist Pharmaceuticals LLC (hereinafter "Cubist") and Mylan N.V., Mylan Pharmaceuticals Inc., Mylan Inc., and Mylan Laboratories Limited, (hereinafter "Mylan"), the parties in the above-captioned action, hereby stipulate and consent to entry of judgment and an injunction in the action, as follows:

IT IS this 5th day of November, 2021:

ORDERED, ADJUDGED AND DECREED as follows:

1. This District Court has jurisdiction over the subject matter of the above action and has personal jurisdiction over the parties.

2. As used in this Consent Judgment, (i) the term "Mylan Product" shall mean the drug product sold, offered for sale or distributed pursuant to Abbreviated New Drug Application No. 213966; and (ii) the term "Patents-in-Suit" shall mean United States Patent Numbers 9,138,456 and 8,835,382.

3. Until expiration of the Patents-in-Suit, Mylan, including any of its Affiliates, successors and assigns, is enjoined from infringing the Patents-in-Suit, on its own part

or through any Affiliate, by making, having made, using, selling, offering to sell, importing or distributing of the Mylan Product, unless and to the extent otherwise specifically authorized by Cubist.

4. Compliance with this Consent Judgment may be enforced by Cubist and its successors in interest or assigns.

5. This District Court retains jurisdiction to enforce the terms of this Consent Judgment and to resolve any disputes related thereto.

6. All claims, counterclaims, affirmative defenses and demands in this action are hereby dismissed with prejudice and without costs, disbursements or attorneys' fees to any party.

7. Nothing herein prohibits or is intended to prohibit Mylan from maintaining a "Paragraph IV Certification" for the Mylan Product pursuant to 21 U.S.C. § 355(j)(2)(A)(vii)(IV) (as amended or replaced) with respect to the Patents-in-Suit or any other patent listed in the FDA's Orange Book for the Approved Cubicin RF Product solely for purposes of receiving or maintaining final approval of the Mylan Product.

8. The 30-month stay under 21 U.S.C. § 355(j)(5) is terminated. Nothing herein restricts or is intended to restrict the U.S. Food and Drug Administration from approving Abbreviated New Drug Application No. 213966 or the Mylan Product.

Irene M. Keeley

Irene M. Keeley, U.S.D.J.

We hereby consent to the form and entry of this Order:

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